HIGH COURT OF CHHATTISGARH: BILASPUR
DIVISION BENCH.

CORAM: HON'BLE SHRI H.L. DATTU CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

WRIT PETITION NO.1587 OF 2002

PETITIONERS

1) Vinod Chandra Singh Rathore, s/o. Shri Chandramani Singh Rathore, aged about 55 years, President Zila Panchayat, Raigarh, r./o. village and Post Chala Huli, Tahsil Kharsiya, Dist. Raigarh, CG.

2) Atma Ram Nagesiya, s/o. Shri Labho Ram, aged about 30 years, President Janpad Panchayat, Gharghoda, r/o. village and Post Gharghoda, Dist. Raigarh.

3) Harishankar Patel, s/o. Keshav patel, aged about 32 years, Vice President Janpad Pancahyat, Sarangarh, r/o. Raigarh Road, Sarangarh Post Sarangarh, Dist. Raigarh, CG.

4) Parmanand Naik, s/o. Shri Garud Singh, aged about 50 years, President Janpad Panchayat Baramkela, r/o. village and Post Barambela, Dist. Raigarh.

5) Smt. Rewati Chouhan, w/o. Krishn Kumar Chouhan, aged about 28 years, President Janpad Panchayat, Raigarh, r/o. village and post Kirodimal Nagar, Dist. Raigarh.

Versus

RESPONDENTS

1) State of Chhattisgarh, through the Secretary, Department of Panchayat and Rural Development, Mantralaya, D.K.S, Building, Raipur, CG.

2) The Secretary, Department of School Education, Mantralaya, D.K.S. Building, Raipur,CG.

3) The Secretary, Department of Tribal Development, Mantralaya, D.K.S. Building, Raipur, CG.

4) The Secretary, Department of Urban Development, Mantralaya, D.K.S. Building, Raipur, CG.

5) The Director, Public Instructions, Chhattisgarh, Raipur, Tahsil and District Raipur, CG.

6) The Commissioner, Tribal Development, Chhattisgarh, Raipur, Tahsil and District Raipur, CG.

7) The Director, Directorate of Urban Development and Administration, Chhattisgarh, Raipur, Tahsil and District Raipur, CG.

PRESENT:

Shri B.D. Guru, counsel for the petitioners.
Shri N.K. Agrawal, Dy. Advocate General for the State.

WRIT PETITION NO.1869 OF 2002

PETITIONERS

1) Karim Khan, aged about 27 years, s/o Shri Nasim Khan, r./o. Shanker Nagar, Near Satsang Mandir, Bilaspur, CG.

2) Naresh Gurudwan, aged about 31 years, S/o. Shri Umashaker Gurudwan, r/o. Katiyapara, Uday Chowk, Bilaspur, CG

3) Hemant Sahu, aged about 23 years, s/o. Shri Lakhan Lal Sahu, r/o. behind High School, village and Post Sarsiwah. Tahsil Bilaigarh, Dist. Raipur, CG.

4) Dindayal Tandon, aged about 30 years, s/o. Budhga Ram Tandon, r/o. village Jora, Post Bhatgaon, Block Bilaigarh, Dist. Raipur, CG.

5) Prahlad Kumar Sahu, aged about 25 years, s/o. Shri Puniram Sahu, r/o. village Otgan, post Bhatgaon, Tahsil Bilaigarh, Dist. Raipur, CG.

Versus

RESPONDENTS

1) State of Chhattisgarh, through the Secretary, Department of Panchayat and Rural Development, Mantralaya, D.K.S, Building, Raipur, CG.

2) The Secretary, Department of School Education, Mantralaya, D.K.S. Building, Raipur,CG.

3) The Secretary, Department of Tribal Development, D.K.S. Building, Raipur, CG.

4) The Secretary, Department of Urban Development, D.K.S. Building, Raipur, CG.

5) The Director, Public Instructions, Chhattisgarh, Raipur.

6) The Commissioner, Tribal Development, Chhattisgarh, Raipur.

7) The Director, Directorate of Urban Development and Administration, Chhattisgarh, Raipur.

PRESENT:

Shri Prateek Sharma, counsel for the petitioners.
Shri N.K. Agrawal, Dy. Advocate General for the State.

&

WRIT PETITION NO.1611 OF 2002

PETITIONERS

1) Ghruwa Ram Sahu, s/o. Shri Nohar Sahu, aged about 49 years, President of Janpad Panchayat, Kawardha, r/o. village Piparia, Dist. Kawardha, CG.

2) Ishwar Sahu, s/o. Beri Lal Sahu, aged about 50 years, President Janpad Panchayat, Lohara, r/o. Kobhandha Police Station, Lohara Dist. Kawardha.

3) Shanti Devi Dhurve, w/o. Shri Sant Ram Dhruve aged about 30 years, President of Janpad Panchayat Bodla, r/o. Jhalmala PS Chilphi, Dist. Kawardha, CG.

4) Vinod Bais, s/o. Shri Radhe Shyam Sing Bais, aged about 32 years, Member General Administrative Committee, Janpad Panchayat Lohara, Dist. Kawardha, CG.

5) Barsati Lal Verma, s/o. Shri Chandu Lal Verma, aged about 37 years, Vice President of Janpad Panchayat, Bodla, r/o. Village Bhadbhada, PS. Bodla, Dist. Kawardha, CG.

6) Bhagwat Sen, S/o. Shri Sukalu Rai Sen, aged about 39 years, r/o. Main Road, Kawardha, Dist. Kawardha, CG.

Versus

RESPONDENTS

1) State of Chhattisgarh, through the Secretary, Department of Panchayat, Mantralaya, D.K.S, Building, Raipur, CG.

2) Secretary Govt. of Chhattisgarh, Panchayat, Avam Gramin Vikas Vibhag, CG.

3) Chief Executive Officer, Dist. Panchayat, Kawardha, CG.

4) Chief Executive Officer, Janpad Panchayat, Kawardha, CG.

5) Chief Executive Officer, Janpad Panchayat, Lohara, Dist. Kawardha, CG

6) Chief Executive Officer, Janpad Panchayat, Bodla, Dist. Kawardna, CG.

PRESENT: Shri Arun Kochar, counsel for the petitioners.
Shri N.K. Agrawal, Dy. Advocate General for the State.

ORAL ORDER

(Passed on 26th March 2007)

The following oral order of the Court was passed by H.L. Dattu, CJ.

Since the aforesaid petitions involve a common question, they are being taken together and disposed of by this common order.

(2) The petitioners in these writ petitions call in question the validity of vires of the amendment made by the State Government in the Panchayat Shala Shiksha Sawinda Shikshak (Niyukti Tatha Sewa Sharten) Niyam, 2001.

3) During pendency of these writ petitions, the State Government has further amended the Rules and repealed the aforesaid provision. In view of the subsequent amendment brought by the State Government, we are of the view that the challenge made by the petitioners in these writ petitions, would not survive for consideration of this Court. Accordingly, the writ petitions are disposed of. However, liberty is reserved to the petitioners, if they so desire, to question the correctness or otherwise of the subsequent amendment. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
Vijay Kumar Shrivastava
Judge